

## **ORDINANCE 2013-15**

### **BOND ORDINANCE TO AUTHORIZE THE CHATHAM GLEN/TANGLEWOOD SANITARY SEWER SYSTEM MODIFICATIONS PROJECT IN, BY AND FOR SEWER UTILITY NO. 1 OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$7,000,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.**

**WHEREAS**, the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey (the "Township") hereby determines that it is necessary to authorize and provide for the Chatham Glen/Tanglewood Sanitary Sewer System Modifications Project, including all work, materials and appurtenances necessary and suitable therefor; and

**WHEREAS**, the Township Committee has heretofore authorized the filing of a loan application by the Township for the financing of allowable costs of the aforesaid project with the New Jersey Environmental Infrastructure Financing Program (the "State Program"); and

**WHEREAS**, the Township Committee has heretofore adopted a resolution making application to the Local Finance Board in the Division of Local Government Services of the New Jersey Department of Community Affairs for approval of the Township's request for financing allowable costs of said project from the State Program pursuant to N.J.S.A. 58:11B-9(a), for an exemption from the down payment requirement for this bond ordinance pursuant to N.J.S.A. 40A:2-7(d) and N.J.S.A. 40A:2-11(c) and for a waiver of the maturity schedule requirement for bonds issued by the Township pursuant to the State Program pursuant to N.J.S.A. 40A:2-26(e);

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, as follows:

**Section 1.** The Township of Chatham, in the County of Morris, State of New Jersey (the "Township") is hereby authorized to undertake the Chatham Glen/Tanglewood Sanitary Sewer System Modifications Project in, by and for Sewer Utility No. 1 of the Township. Said improvements shall include the making of related improvements and all work, materials and appurtenances necessary and suitable therefor, and shall be undertaken in accordance with plans and specifications prepared or to be prepared by the Township Engineer and hereby approved and incorporated herein by this reference thereto. Such plans and specifications are on file or shall be placed on file with the Township Clerk and made available for public inspection during regular business hours.

**Section 2.** The sum of \$7,000,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

**Section 3.** It is hereby determined and stated that (1) said purpose is not a current expense of said Township, and (2) it is necessary to finance said purpose by the issuance of obligations of said Township pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$7,000,000, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$7,000,000, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$1,120,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

**Section 4.** To finance said purpose, bonds of said Township of an aggregate principal amount not exceeding \$7,000,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

**Section 5.** To finance said purpose, bond anticipation notes of said Township of an aggregate principal amount not exceeding \$7,000,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

**Section 6.** Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Township and attested by the Township Clerk or Deputy Township Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

**Section 7.** It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of forty years computed from the date of said bonds.

**Section 8.** It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township Clerk of said Township, and that such statement so filed shows that the gross debt of said Township, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$7,000,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 9.** Any funds received from private parties, the County of Morris, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose (except any funds received as loans from the State Program which shall be applied to the payment of the cost of such purpose or to the payment of any outstanding bond anticipation notes, but shall not reduce the amount of bonds authorized for such purpose), shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

**Section 10.** The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Township Clerk and is available for public inspection.

**Section 11.** The Township intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Township incurs such costs prior to the issuance of the bonds or notes, the Township expects to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

**Section 12.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Township, and the Township shall levy ad valorem taxes upon all the taxable real property within the Township for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

**Section 13.** This ordinance shall take effect twenty days after the first publication thereof after final passage.

Introduced: June 13, 2013

TOWNSHIP OF CHATHAM, COUNTY  
OF MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: \_\_\_\_\_  
Nicole Hagner, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of an ordinance introduced by the Township Committee of the Township of Chatham at a regular meeting held on June 13, 2013.

Date Issued: \_\_\_\_\_

\_\_\_\_\_  
Township Clerk